Supreme Court, U.S.
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No. 98-946

In The

Supreme Court of the United States

October Term, 1998

EDWARD G. SHLIKAS,

Petitioner,

versus

WAKE FOREST UNIVERSITY, *et al.*,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Presented by Counsel for Respondents

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BRIEF IN OPPOSITION

The Respondents respectfully request the Supreme Court to deny the petition for a writ of certiorari because (1) the Petitioner has dismissed the action in the United States District Court for the Middle District of North Carolina and (2) the petition utterly fails to present any reason whatsoever for issuance of a writ.

The Complaint has been dismissed voluntarily by the petitioner.

The petitioner filed this action on November 12, 1997, in the District Court for the Middle District of North Carolina. The Respondents filed a motion to dismiss the complaint together with a brief in support of the motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Local Rules on or about February 10, 1998. Petitioner filed a brief in response to the motion on or about March 11, 1998, and later expressed a desire to file another brief in response to the motion to dismiss. Following the District Court's refusal to extend the page limit for the additional brief that the petitioner stated that he wanted to file, the petitioner filed an appeal to the Fourth Circuit seeking to overturn the District Court's ruling refusing to allow more pages. The Fourth Circuit granted respondents' motion to dismiss the interlocutory appeal (copy attached) and remanded the case to the District Court. On or about October 18, 1998, the petitioner filed a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Respondents' motion for sanctions that was filed in March, 1998, is still pending in the district court. The

notice of dismissal terminated this action, except for a ruling on the motion for sanctions. *Finley Lines Joint Pro. Bd. v. Norfolk S. Corp.*, 109 F.3d 993 (4th Cir. 1997); *Blue v. U.S. Dept. of Army*, 914 F.2d 525 (4th Cir. 1990).

The Petition does not state any reason warranting review by the United States Supreme Court

Even if the petitioner's voluntary dismissal of his complaint was disregarded, there is still no reason justifying review of this matter. Contrary to the petitioner's statement, he is not a student at Wake Forest University Law School. He is a former student who is obviously bitter about his failure to meet the academic demands of law school and who readily casts upon others all fault for his own shortcomings. Regrettably, he has chosen to burden the highest court with his discord.

Respondents moved to dismiss his complaint because it failed to state a claim for relief. Indeed, the petitioner's allegations crossed over into the ridiculous. For example, he alleged that the Socratic method of teaching was an assault and battery on him. The petitioner is seeking review of a ruling of the District Court enforcing the page limit provided by the Local Rules and a ruling of the Fourth Circuit dismissing the petitioner's appeal from the District Court's ruling. It is petitioner's argument that the Fourth Circuit erred in not following the rules of appellate procedure applicable in the state courts of the State of North Carolina. Respondents believe that the petitioner's position is so patently wrong that further response is not needed. The General Assembly of the State of North Carolina does not set (and has not

attempted to set) the procedures used in the federal courts.

WHEREFORE, Respondents respectfully pray that the petition for writ of certiorari be denied.

This the 15th day of December, 1998.

WILLIAM K. DAVIS (N.C.S.B. 1117)

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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DOCKET NO. 98-1789

CIVIL ACTION NO. 1:97CV01188

EDWARD G. SHLIKAS, Plaintiff, versus WAKE FOREST UNIVERSITY; THOMAS K. HEARN, JR., in his capacity as President of Wake Forest University; ROBERT K. WALSH, in his capacity as Dean of Wake Forest University School of Law; MICHAEL J. PERRY; MARION W. BENFIELD, JR.; MICHAEL K. CURTIS; MIRIUM E. FELSENBURG; BUDDY O.H. HERRING; ALAN R. PALMITER; RALPH A. PEEPLES; PATRICIA J. ROBERTS; CHARLES P. ROSE, JR.; MARGARETH H. TAYLOR; GEORGE K. WALKER, Defendants,	**NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the plaintiff, Edward G. Shlikas, moves the

court to voluntarily dismiss the above captioned civil action.

Respectfully Submitted,

By: /s/ Edward G. Shlikas
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